

**MUNICIPAL MINUTES, CITY OF TUPELO**  
**STATE OF MISSISSIPPI**

**AUGUST 6, 2013**

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, August 6, 2013, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council.

The invocation was led by Mr. Marc Perler, Lay Leader of Temple B'nai Israel, followed by the Pledge of Allegiance led by Councilman Buddy Palmer.

**IN THE MATTER OF CALLING THE MEETING TO ORDER**

President Davis called the regular City Council meeting to order at 6:00 p.m.

**IN THE MATTER OF CONFIRMATION OR  
AMENDMENT OF AGENDA AND AGENDA ORDER**

Upon a motion by Councilman M. Bryan and a second by Councilman Newell, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

DELETE: Study Item #8.2

**4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA**

**IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS**

No scouts were present to be recognized.

**IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES**

President Shelton made the following recognitions of City employees:

- (1) Thanked all those you had volunteered their services at the recent "Tupelo Friday Night Out", sponsored by the various neighborhood associations. He named Sherrie Cochran, Kartasha White, Sandy Shumaker, the Tupelo Fire Department and Tupelo Police Department for delivering ice cream to fourteen neighborhoods.
- (2) Congratulated the following City of Tupelo employees for their dedicated service to the citizens of the community:

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Jacqueline Swann	W & L Dept.	30 years
Jason Thomas	Tupelo Fire Dept.	20 years

- (3) Recognized the Tupelo 49'ers American Legion team coached by Kirk Presley who had won the State championship recently and were on their way to Little Rock, Arkansas, to compete for the regional title.
- (4) Congratulated the Tupelo Express, 14 years and under softball team, for coming in third place at the USSA World Series.
- (5) Also, congratulated the Tupelo Express, 8 years and under softball team, for winning the national championship.
- (6) Publicly recognized the Tupelo "Plant a Seed" program in which thirty-six children had worked this summer and, also, thanked the City Council, especially Councilman Willie Jennings, for their support of this program.
- (7) Mayor Shelton gave special recognition to Chad Brumlett of the Miami Dolphins and to Alex Carrington, who plays for the Buffalo Bills, both individuals being former residents of the City of Tupelo. He wished both of them a successful year ahead.

Councilman Mike Bryan mentioned that State Representative Steve Holland was present in the audience for this council meeting.

President Davis made several announcements regarding upcoming events in the city to which the Tupelo City Council was invited.

**IN THE MATTER OF RECOGNITION OF UNITED BLOOD SERVICE COMMUNITY AWARD**

Shae Hays, representing the United Blood Service in Tupelo, presented the Community Award to Kayla Sanderson of the City of Tupelo Human Resources Department. Ms. Sanderson had spearheaded the drive for City Hall and received this award due to this year's donations having doubled over last year's.

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**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “SLEEP AWARENESS DAY”**

Michael Camp, representing the Reggie White Sleep Disorder Center of Tupelo, accepted a proclamation from Mayor Shelton proclaiming August 8, 2013, as “Sleep Awareness Day” in the City of Tupelo. Sleep plays a vital role in good health and well-being throughout life with quality sleep that helps to protect your mental and physical health as well as safety. Sleep apnea is a serious and potentially life-threatening condition affecting about 20% of United States adults, many of whom are undiagnosed.

The Reggie White Sleep Disorder Center of Tupelo, as well as many physicians, nurse practitioners and other local health care professionals, are working together to decrease the number of people with undiagnosed sleep apnea in Tupelo and across Mississippi.

The proclamation urged all citizens and city employees be screened for this condition and pursue effective treatment to attain the healthiest life possible.

**IN THE MATTER OF MAYOR’S REPORT**

Highlights of Mayor Shelton’s report:

Tupelo had received two awards at the recent Mississippi Municipal League Conference for cities in the over 10,000 population category. One was presented to Sgt.

Michael Russell for the Police Athletic League and the other to Sid Russell and David Knight of the Public Works Department for their efforts in maintaining the city’s tree farm.

The Mayor, President Davis, Vice-President Mike Bryan, Councilman Willie Jennings and Sarah Robinson had met with leaders of the Mayor’s Youth Council at Tupelo High School in an effort to revamp and revitalize the program to make it the best in the state. The City Council was urged to support this program and encourage more students to join in with this group of students, grades 9 – 12.

Mayor Shelton congratulated Kim Hanna, City Clerk, for having received her certification at the recent Mississippi Municipal League conference in Biloxi.

While at the MML Conference, Mayor Shelton had met football great Duice McAllister. The Mayor told him about a family who had recently lost two members in an automobile accident. Mr. McAllister took time off from his busy schedule to visit with this family and offer his condolences on their tragic loss.

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Mayor Shelton had attended the Tupelo Convention and Visitors Bureau retreat this week and had an opportunity to see the great things they are doing. He encouraged everyone to visit their web site at MyTupelo.net to learn about what the C&VB is doing to attract people to come to our city.

Also, this week Mayor Shelton plans to attend the retreat planned by the Downtown/Main Street Association to get an update on all the exciting things they are planning for the future.

The Lee County Board of Supervisors had invited the city officials to a Council of Governments event to be held at the Lee County Agri Center on August 15, 2013 at 5:30 p.m.

The John C. Stennis Institute of Government had recently sponsored a seminar in West Point, Mississippi, and Mayor Shelton, Council Members Davis, M. Bryan, Buddy Palmer and Willie Jennings were fortunate enough to be selected to participate in this event.

“Tupelo Night Out” was held on Friday night, August 1. Mayor Shelton encouraged all council members to attend as many of these neighborhood associations as possible to make themselves visible in their ward and also provide opportunities for all citizens can get to know each other better.

Mayor Shelton closed his report by recognizing Dr. Gearl Loden, Supt. of the Tupelo Public School District, and Jason Harris, President of Tupelo High School, who were present in the audience and given a warm welcome by those present.

(President Davis closed the regular meeting and opened the Public Agenda.)

### **5. PUBLIC AGENDA**

#### **5.1 PUBLIC HEARINGS**

##### **5.1.A LISTING OF LOT MOWINGS**

No one appeared to address this matter.

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#### **5.1.B PROPOSED CITY OF TUPELO BUDGET**

**FOR FISCAL YEAR BEGINNING OCTOBER 1,  
2013, AND ENDING SEPTEMBER 30, 2014**

Following is a list of individuals appearing on behalf of various organizations and requesting funds for FY Budget Year beginning October 1, 2013, and ending September 30, 2014

Deborah Yates – S.A.F.E., Inc.  
Kay Matthews and Steve Holland – Regional Re-Hab Center  
Doc Robbins – Faith Haven  
Jeff Tomlinson – Lee Itawamba Library  
Patty Tucker – American Red Cross  
Debbie Hood – Tupelo Lee Humane Society

(President Davis then closed the Public Agenda and the City Council returned to the regular session.)

**6. ACTION AGENDA**

**IN THE MATTER OF REVIEW/RESCIND NIGHTCLUBS AND NIGHTCLUB  
PROMOTER ORDINANCE**

Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously to rescind the Nightclubs and Nightclub Promoter Ordinance which had been adopted by the City Council on March 5, 2013.

**7. ROUTINE AGENDA**

**IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR CITY COUNCIL  
MEETING**

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, July 23, 2013.

**IN THE MATTER OF REVIEW/PAY BILLS**

Upon a motion by Councilman L. Bryan and a second by Councilman Whittington, the council voted unanimously to approve payment of the following checks,

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bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan, Newell, and Palmer:

Check Nos. 112976 through 113398 (Pool Cash Fund)  
Electronic transfers as shown on the face of the docket.  
Invoices as shown on the face of the docket.  
Requests made by AFLAC to reimburse employees under Flex-One Plan as shown on the face of the docket.

**IN THE MATTER OF REVIEW/ACCEPT/APPROVE HOMELAND SECURITY GRANT AND COORDINATOR CONTRACT**

Terri Blissard, Grant Administrator, had advised Mayor Shelton and the City Council by memorandum dated July 30, 2013, that the State Office of Homeland Security has awarded \$45,000 in grant funding and a contract renewal for William Grantham, Jr., statewide Homeland Security project coordinator.

Each year the State Office of Homeland Security assigns a coordinator to every Task Force, then awards pass-through funding to one municipality in each Task Force to pay for the coordinator. Mr. Grantham has worked with Task Force I for several years, and this contract represents a routine renewal.

Upon a motion by Councilman Whittington and a second by Councilman Jennings, the council voted unanimously to accept the grant funds in the amount of \$45,000 and to approve the coordinator contract.

**IN THE MATTER OF REVIEW/APPROVE LIST OF SURPLUS FIXED ASSETS**

Kim Hanna, City Clerk, had submitted a listing of fixed assets requesting that they be declared as surplus and removed from the City's fixed asset listing. These items are out-dated and no longer useful. The guns were traded in but were left off the previous surplus list.

Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously to approve this request and declare the list of items as surplus and removed from the City's fixed asset listing. A copy of the same is attached hereto as **APPENDIX A.**

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**IN THE MATTER OF REVIEW/APPROVE TYLER PROJECT CHANGE ORDER**

At the March 19, 2013, city council meeting, the council approved the purchase of a record management system for use by both the Tupelo Police Department and Tupelo Municipal Court from Tyler Technologies, a sole source vendor for this particular software. This system will integrate with the city's current software and provide an opportunity for both Tupelo Police Department and Tupelo Municipal Court to tie in to the city's financial software.

However, it has now been ascertained that certain items under the original contract are not needed and Tyler Technologies has submitted a change order decreasing the purchase price by \$10,560. Upon a motion by Councilman Newell and a second by Councilman Jennings, the council voted unanimously to approve this change order, a copy being attached hereto and incorporated into these minutes as **APPENDIX B.**

#### **IN THE MATTER OF REVIEW/APPROVE CLOSING BANK ACCOUNT**

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve a request from Kim Hanna, City Clerk, to close a City of Tupelo Checking Account at Trustmark Bank: City of Tupelo CVB Projects.

The purpose of this account was to hold funds for Film Festival Education. These funds will be transferred to the Film Festival Society which will be administered by CREATE. The City of Tupelo will no longer receive funds for this purpose and, therefore, this request to close the account is made.

#### **IN THE MATTER OF REVIEW/APPROVE AUTHORIZATION TO EXECUTE QUITCLAIM DEED TO TUPELO PUBLIC SCHOOL DISTRICT**

According to the City Attorney's office, the Tupelo School District is in the process of making an addition to the King Early Childhood Education Center. It has been determined that the property surrounding the school is owned in part by the School District and in part by the City of Tupelo, but deeds do not provide a clear boundary line in the area where the new addition is to be built. The School District has requested that the City of Tupelo execute a quitclaim deed to the School District related to the property in question. Upon a motion by Councilman L. Bryan and a second by Councilman M. Bryan, the council voted unanimously that a quitclaim deed be executed by the City of Tupelo to the Tupelo District School to provide a clear boundary line for the new addition to the school.

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#### **IN THE MATTER OF REVIEW/APPROVE RESOLUTIONS OF ASSESSMENT LIENS FOR LOT MOWING CASES**

Upon a motion by Councilman Newell, seconded by Councilman L. Bryan, the council voted unanimously to approve a Resolution of Assessment Liens against the following listed properties. Hearings had been held previously before the City Council in which the properties were adjudicated to be a menace to public health and safety. The City of Tupelo has cleaned and mowed the properties and adjudicated costs and penalties according to law.

Properties against which these Resolutions of Assessment Liens are enrolled include: Rita Kirk; Kayla Dillard; Diamond Properties Investments, LLC; James E. and Carolyn Bratton; Money-Line Mortgage; Edward A. and Amanda C. Hutchinson; Phyllis Gable; Roberta and Bennie Moore; Otis Palmer; Steve Mayhorn; David Hageman; Daniel Alexander; Wilmer G. McAllister.

**IN THE MATTER OF REVIEW/APPROVE LISTING OF LOT MOWING OF PROPERTIES**

Councilman Newell moved to approve a listing of lot mowings submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace to public health, safety and welfare of the community, thereby authorizing the department to proceed with mowing of these properties. The motion was seconded by Councilman Whittington and unanimously passed by a vote of the council. A public hearing had been conducted earlier in the meeting with no one appearing to address the issue. A copy of the listing is attached hereto and incorporated into these minutes as

**APPENDIX C.**

**IN THE MATTER OF REVIEW/APPROVE CHANGE ORDER FOR TOM WATSON DRIVE SEWER IMPROVEMENTS**

Johnny Timmons, Manager of Tupelo Water and Light Department, had submitted Change Order No. 1 (Summary) for the Tom Watson Drive Sewer Improvements Project for the council's consideration. This change order results in a net deduction of \$35,389.84 due to a change in the final construction quantities, bringing the final construction amount to \$250,520.16.

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously to approve this change order, a copy being attached hereto as

**APPENDIX D.**

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**IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR WATER METERS (6-MONTH SUPPLY)**

Upon a motion by Councilman M. Bryan, seconded by Councilman Jennings, the council voted unanimously to award the following bid as recommended by Johnny Timmons, Manager of the Tupelo Water and Light Department:

Bid No. 1296WL – Water Meters (6-Month Supply Bid) to the low qualified bid submitted by Mueller Systems as indicated on the attached bid tabulation with the following explanation:

Item 2 – The 1” water meter bid by Zenner Performance Meters, Inc. does not meet our required specs. Zenner provides a multi-jet type magnetic driver meter and our specifications require a positive displacement magnetic drive meter.

Item 4 – Although Zenner bid the lowest price on the 4” water meters, they provide a compound meter assembly that utilizes two (2) separate meters to measure low and high flow. Our bid specifications require a single register meter to measure low and high flows. Therefore, it is requested that these two items be awarded to Mueller Systems.

A copy of the complete package is attached to these minutes and incorporated herein as **APPENDIX E.**

**IN THE MATTER OF REVIEW/APPROVE ESTIMATE/FEE PROPOSAL FOR ENGINEERING SERVICES RELATED TO DEVELOPMENT OF DOWNTOWN QUIET ZONES ALONG RAILROADS (NOTE: THIS ITEM WAS TABLED AT THE MAY 21, 2013, COUNCIL MEETING)**

At the request of President Davis, this item will remain tabled.

**8. STUDY AGENDA**

**IN THE MATTER OF REVIEW/DISCUSS NEW CITY ZONING MAP**

At the request of Councilmen Whittington and Jennings, this item will be moved to the next agenda.

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**IN THE MATTER OF REVIEW/DISCUSS REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY**

At the request of Councilmen M. Bryan and Jennings, this item will be moved to the next agenda.

**9. EXECUTIVE SESSION**

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously to close the regular session to determine the need for an executive session.

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously to go into executive session to discuss two items: (1) Possible Litigation and (2) Terms of Lease Agreement.

Upon a motion duly made, seconded and unanimously approved, the council voted to come out of executive session and return to the regular meeting with no action to be taken.

**IN THE MATTER OF ADJOURNMENT**

There being no further business to come before the City Council, upon a motion duly, made and unanimously passed, the regular council meeting was adjourned at 9:00 p.m.

\_\_\_\_\_  
PRESIDENT

ATTEST:

\_\_\_\_\_  
CLERK OF THE COUNCIL

APPROVED:

\_\_\_\_\_  
MAYO